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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 CHRISTOPHER M. JENKINS,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL
13 SECURITY,

14 Defendant.

Case No. C19-6091 BHS

ORDER GRANTING
APPLICATION TO PROCEED IN
FORMA PAUPERIS

15 Plaintiff Christopher M. Jenkins applies to proceed *in forma pauperis* for an action
16 seeking judicial review of the administration denying Plaintiff's application for Social
17 Security benefits. IFP Appl. (Dkt. # 1). For the reasons discussed below, the Court
18 DENIES Plaintiff's application to proceed *in forma pauperis* (Dkt. # 1).

19 The district court may permit indigent litigants to proceed *in forma pauperis* upon
20 completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). "To qualify for
21 *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable
22 to pay court fees and that the claims he or she seeks to pursue are not frivolous."

23 *Ogunsalu v. Nair*, 117 F. App'x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051
(2005). To meet the first prong of this test, a litigant must show that he "cannot because
of his poverty pay or give security for the costs and still be able to provide himself and

1 dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335
2 U.S. 331, 339 (1948) (internal alterations omitted).

3 Plaintiff has not shown that he is unable to pay the full filing fee to proceed with
4 this lawsuit. Plaintiff reports that his spouse has a net monthly salary of \$4,200.00 per
5 month. IFP Appl. at 1. Plaintiff lists monthly expenses of \$3,109.00. *Id.* at 2. This
6 leaves nearly \$900.00 per month. Although Plaintiff notes that he has outstanding debts,
7 the monthly payments on these debts are included in his listed expenses. *See id.* Plaintiff
8 has failed to demonstrate that he “cannot because of his poverty pay or give security for
9 the costs and still be able to provide himself . . . with the necessities of life.” *See Adkins*,
10 335 U.S. at 339 (internal alterations omitted).

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12 Accordingly, the Court DENIES Plaintiff’s application to proceed *in forma*
13 *pauperis* (Dkt. # 1) WITHOUT PREJUDICE. Plaintiff has 30 days from the date of this
14 order to pay the full \$400.00 filing fee or reapply to proceed *in forma pauperis* based
15 upon changed circumstances. If the Court does not receive the filing fee or a new
16 application within 30 days, the Court will dismiss this action WITHOUT PREJUDICE.

17 DATED this 19th day of November, 2019.

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21 BENJAMIN H. SETTLE
22 United States District Judge
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